

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

PETRO INDUSTRIAL SOLUTIONS, LLC,)
Plaintiff,)
vs.) Case No. 1:21-CV-00312
ISLAND PROJECT AND OPERATING)
SERVICES, LLC; VITOL US HOLDING)
II CO.; VITOL VIRGIN ISLANDS)
CORP.; ANDREW CANNING; and OPTIS)
EUROPE, LTD.,)
Defendants.)

THE VIDEOTAPED ORAL DEPOSITION OF JOHNAS PHILLIP SEMIEN
was taken on the 28th day of July, 2023, via Zoom
teleconference, between the hours of 2:39 p.m. and 4:24 p.m.
AST, pursuant to Notice and Federal Rules of Civil
Procedure.

Reported by:

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A-P-P-E-A-R-A-N-C-E-S

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By: Lee J. Rohn

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By: Simone R.D. Francis

For the Defendant Vitol US Holding II Co. and Vitol Virgin Islands Corp.:

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2162 Church Street
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By: Carl A. Beckstedt, III

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APPEARANCES

For the Defendant Andrew Canning:

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By: Andrew C. Simpson

Also Present:

Adam Marinelli, Counsel for Acuren and Versa
Integrity Group, Inc.

Fiona Sutherland, In-House Counsel for Acuren
and Versa Integrity Group, Inc.

Adrian Melendez, Jr.

Andrew Canning

Max Stein, Videographer and Computer Technician

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COLLOQUY

THE VIDEOGRAPHER: We're now going on the video record at 2:39 p.m. on Friday, July 28, 2023.

This begins the remote videotaped deposition via Zoom videoconference of Johnas Semien, taken by the defendants in the matter of Petro Industrial Solutions, LLC versus Vitol, Inc., et al, filed in the District Court of the Virgin Islands, Division of St. Croix. Civil Number 1:21-CV-00312.

My name is Max Stein. I'm the videographer and computer technician employed by Precise, Inc. Our court reporter is Susan Nissman, representing Caribbean Scribes, Inc.

All counsel present will be noted on the stenographic record.

And the court reporter will now please swear in the witness.

MS. ROHN: Lee Rohn for -- good afternoon. Lee Rohn, for the plaintiff.

MR. BECKSTEDT: Good afternoon. Attorney Carl Beckstedt, on behalf of the Vitol defendants. We have Vitol U.S. Holding II Co., Vitol Virgin Islands Corp., and Vitol, Inc.

MS. FRANCIS: Good afternoon. Simone Francis, on behalf of Islands Project and Operating Services, LLC, also known as IPOS.

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MR. SIMPSON: Good afternoon. Andrew Simpson, on behalf of Andrew Canning and Optis Europe.

MR. MARINELLI: Good afternoon. Adam Marinelli, on behalf of Versa Integrity Group, representing the deponent.

JOHNAS PHILLIP SEMIEN,
called as a witness, having been first duly sworn,
testified on his oath as follows:

DIRECT EXAMINATION

BY MR. BECKSTEDT:

Q. Okay. Good afternoon, Mr. Semien. My name is Carl Beckstedt. I introduced myself a moment ago, representing the Vitol defendants, and I'm going to start the questioning today.

Could you please state your full name for the record?

A. Johnas Phillip Semien.

Q. And Mr. Semien, have you ever had a deposition taken before? What we're doing today, basically?

A. No.

Q. Okay. I'm sure your counsel has explained it to you, but I'm going to go over a few of the ground rules, just for the record, to make sure we're on the same page.

First of all, even though we're doing this proceeding remotely, via Zoom, and in an informal setting,

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it is actually part of the proceedings in the U.S. District Court, District Court of the Virgin Islands, Division of St. Croix. And it's as if you were before the judge in the witness stand, sworn or affirmed to tell the truth, subject to the penalty of perjury.

You understand that?

A. I do.

Q. There's also a court reporter, who's taking down everything that we say, and it will be transcribed into a written form, which, actually, I'm sure your attorney will tell you, you have up to 30 days after receipt of it to review it and make any corrections.

But it's important for us, in order to help the court reporter to get an accurate record, that we follow a couple of basic rules. The biggest one is that we talk one at a time.

The second rule is that we use words when we answer the question. Even if they accompany a gesture or a shake or a nod, please also give a verbal response.

If you don't understand a question, let me know, and I'll rephrase it.

You might hear objections, from time to time, by the lawyers. Just let those play out, and then when they're done, you can answer the question, unless your lawyer tells you not to, but assume that you'll be answering

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the question, notwithstanding the objection.

If you don't understand a question, ask me to clarify, if I didn't already tell you.

And then if you need a break for any reason, just let us know. We'll take a break. We only ask that if there's a question pending, you answer it before we take the break.

Do you understand those basic ground rules?

A. Yes, I do.

Q. Okay. Is there any reason today, due to either some stress or physical ailment, that you are unable to proceed?

A. No. I'm able to proceed at this time.

Q. Okay. So, Mr. Semien, can you just tell us, are you currently employed?

A. I am.

Q. And who do you work for?

A. Versa Legacy/Acuren Inspection.

Q. Okay. And how long have you been working for that company?

A. A little over five years.

Q. All right. And was there a name change recently?

A. No.

Q. Okay. Have you ever heard of a company called Versa Integrity Group?

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1 A. Yes.

2 Q. And did you ever work for that company?

3 A. I -- I did.

4 Q. Okay. And when was that?

5 A. 2017 through current. Or 2022.

6 Q. Okay. So through 2022?

7 MS. ROHN: He said 2022.

8 Q. (Mr. Beckstedt) Yeah. Two thousand twenty -- oh.

9 A. Correct.

10 Q. The year 2022, right?

11 A. Yes. Correct.

12 Q. Okay. And -- and now, if I understand correctly,
13 Versa and Acuren merged, so now you're still with the
14 company, but it's under a different name?

15 A. Right. We're still ongoing that process, but
16 that's correct.

17 Q. Okay. And what is your current job position?

18 A. Current job position is CR Level II scanner/field
19 supervisor.

20 Q. And what does CR stand for?

21 A. Computer radiography.

22 Q. And how long have you held that position with the
23 Versa company?

24 A. 2019.

25 Q. And before 2019, what position did you hold?

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1 A. Just a radiography assistant.

2 Q. And once you -- so what is -- is there different
3 levels that you go through as a computed radiographer?

4 A. Yes.

5 Q. Can you just give us a brief overview of what
6 those levels are?

7 A. Certainly.

8 You start out as a trainee. As you
9 accumulate on-the-job training and classroom hours, you're
10 able to move up to a Level I technician. And then as you
11 accumulate more on-the-job training and classroom hours, you
12 become a Level II. And you take tests for each level.

13 Q. Are there any other levels beyond Level II?

14 A. Yes. You can become a Level III, as well.

15 Q. All right. Is that the highest level, Level III?

16 A. To my knowledge.

17 Q. All right. Okay. And what is computed
18 radiography?

19 A. Could you be a little more specific with your
20 question?

21 Q. Okay. I have -- what about my question don't you
22 understand?

23 A. Do you want a full science explanation, or are you
24 just looking for, how do you perform computer radiography?

25 Q. All right. If you met somebody and they didn't

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1 know what you did, have any clue, how would you describe
2 what you do? Let's start with that.

3 A. All right.

4 Q. Just, generally. You don't have to go too
5 specific.

6 A. Okay. We have a radioactive source that we --
7 that we take on site, and we use it to perform x-rays, using
8 digital plates and a scanner, which is connected to a
9 computer. And after we perform the x-rays, we load these
10 phosphorous image plates into the scanner, and scan them
11 into the computer, which makes it computer radiography.

12 Q. Is all that work that you just described done
13 actually in the field at the location where you're doing the
14 imaging?

15 A. In -- in some instances, yes. There are mobile
16 equipment, but there's also a more bulky office type setups,
17 which is generally more what my company uses, is the
18 office-type setup, not the mobile equipment.

19 Q. So in the -- in the process that you just
20 described, which part of that would be done in the field,
21 versus which part would be done in the office?

22 A. Where you perform the actual x-rays would be done
23 in the field.

24 Q. Okay. And then taking the plates, and having them
25 scanned is done at the office?

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1 A. Correct.

2 Q. Okay. Now, in this particular case, are you
3 familiar with the island of St. Croix?

4 A. I am.

5 Q. Okay. And how are you familiar with that?

6 A. Only through work.

7 Q. Okay. And was that through the work with Versa as
8 a computed radiographer?

9 A. Correct.

10 Q. And when did you first come to St. Croix?

11 A. January of 2019.

12 Q. And how long were you in St. Croix during that --
13 at that time?

14 A. I stayed until August of 2021.

15 Q. Okay. And have you ever been back to St. Croix
16 after August of 2021?

17 A. I have, yes.

18 Q. For work?

19 A. Yes.

20 Q. And when was your next time in St. Croix?

21 A. November of 2021.

22 Q. And how long were you here that time?

23 A. A week.

24 Q. Okay. And have you been back since your week in
25 November of 2021 to St. Croix?

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1 A. I have not, no.
 2 Q. And both of those trips were through your work
 3 with Versa?
 4 A. Yes. Yes, sir.
 5 Q. And where are you currently located?
 6 A. Right now, I'm in Sabine Pass, Texas.
 7 Q. So with respect to your work in St. Croix, are you
 8 familiar with the -- the Virgin Islands Water and Power
 9 Authority plant on St. Croix?
 10 A. I am.
 11 Q. Okay. And are you familiar with the -- with the
 12 propane facility on St. Croix at the WAPA plant?
 13 A. Yes, sir.
 14 Q. Okay. And by the way, if I use the term "WAPA,"
 15 do you understand that to be the acronym for the Virgin
 16 Islands Water and Power Authority?
 17 A. Yes. Yes.
 18 Q. Okay. Now, did you ever have an occasion to
 19 perform any work at the propane facility at the WAPA power
 20 plant in St. Croix?
 21 A. Yes.
 22 Q. Okay. Can you tell me what work you performed at
 23 that location?
 24 A. Yes. We did call-out work performing radiography
 25 at the job site.

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1 Q. Okay. And do you know who the customer was for
 2 the work that you did at that facility?
 3 A. Petro. Petro Industrial.
 4 Q. Okay. Did you ever do any work at that facility
 5 for any other clients?
 6 A. Yes.
 7 Q. Who were the other clients that you did work for
 8 at that facility?
 9 A. IPOS.
 10 Q. Okay. Anyone else, or is that it?
 11 A. That's all.
 12 Q. Okay. Now, in preparing for your deposition
 13 today, did you review any documents to refresh your
 14 recollection about work you may have done at that -- the
 15 WAPA facility in St. Croix?
 16 A. Yes.
 17 Q. What documents did you review?
 18 A. Just reports.
 19 Q. And do you recall which reports you reviewed?
 20 which dates?
 21 A. No, I do not.
 22 Q. Do you recall how many reports you reviewed?
 23 A. Five.
 24 Q. Do you know if those are all of the reports for
 25 the work that you would have done at the WAPA facility in

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1 St. Croix?
 2 A. No, that's not all the reports.
 3 Q. Okay. Did you review -- all right.
 4 Now, the reports that you reviewed, were you
 5 basically doing the same type of procedure that you've
 6 already described for me each time?
 7 MS. ROHN: Objection to form.
 8 Q. (Mr. Beckstedt) Do you understand my question?
 9 A. No. Can you be more specific in what you're
 10 saying?
 11 Q. Okay. You've described, basically, what you do
 12 when you do your radiography for me, right?
 13 A. Um-hum.
 14 Q. You gave me a rundown.
 15 Is that the type of work you were doing at
 16 the WAPA facility in St. Croix when you went out there to do
 17 work?
 18 A. Can you loop that in with the question? I'm
 19 not -- I'm not understanding where you're going.
 20 Q. All right. You've described for me the work that
 21 you've done -- you do as a technician, right, for Versa?
 22 You go out. You do x-rays. You take the plates. You go
 23 back to the office, scan them, right?
 24 A. Um-hum. Yes, sir.
 25 Q. Okay. Is that the type of -- when you were doing

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1 work, field work, at the WAPA facility, is that what type of
 2 work you were doing?
 3 A. Correct.
 4 Q. Okay.
 5 MR. MARINELLI: Carl, I'm sorry to interrupt.
 6 Our 30(b)(6) witness has signed on.
 7 Max, if you could move him into a breakout,
 8 that would be great.
 9 THE VIDEOGRAPHER: Will do.
 10 Q. (Mr. Beckstedt) So why don't we -- why don't we
 11 start by getting into the reports, and you can walk me
 12 through the document.
 13 So, Max, if you could, why don't we call up
 14 the versa exhibit that's the report dated August 2nd, 2021.
 15 MS. ROHN: Did you give me these?
 16 MR. BECKSTEDT: Yeah. I sent them around to
 17 everybody.
 18 MS. ROHN: When did you give them to me?
 19 MR. BECKSTEDT: When was that, about three
 20 days ago?
 21 MS. ROHN: I see it. I see it. Sorry.
 22 Didn't go far enough.
 23 Q. (Mr. Beckstedt) All right. Do you have that
 24 report in front of you?
 25 A. I'm able to see it, yes.

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1 Q. I think it's a 12-page report, according to the
2 bottom. We can scroll through the 12 pages, just so you can
3 see the whole document before --

4 MS. ROHN: Can you give me the Bates number
5 of what you're looking at?

6 MR. BECKSTEDT: Sure. I'm sorry, it's cut
7 off on my printer.

8 MS. ROHN: Is it 6551? Thank you. All
9 right. I got it.

10 MR. BECKSTEDT: Thank you, Max.

11 MS. FRANCIS: What is the exhibit
12 designation?

13 MR. BECKSTEDT: Yeah, let's designate this
14 Exhibit 1.

(Deposition Exhibit No. 1 was
marked for identification.)

17 MS. ROHN: It's exhibit what number? I
18 didn't hear.

19 MR. BECKSTEDT: I just numbered it 1 for this
20 deposition.

21 MS. ROHN: Okay.

22 Q. (Mr. Beckstedt) All right. I think we went
23 through the 12 pages.

24 Do you recognize this document?

25 A. I do.

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1 Q. Like if you go do work, a particular work/job, and
2 then you said you prepare this report, standard report.

3 I'm just wondering, are there other documents
4 that you prepare in relationship to that same job that we
5 don't have here that would be part of, say, the -- the
6 company file?

7 A. No, I -- I don't prepare any other, other than a
8 report.

9 Q. Okay. Now, this report, it says it was prepared
10 for IPOS, right?

11 A. Yes.

12 Q. And it says an examination date of August 2nd,
13 20 -- 2021.

14 So it would be -- that would be the date that
15 you were actually in the field doing the x-rays?

16 MS. ROHN: Objection to form.

17 Q. (Mr. Beckstedt) You can answer.

18 A. Yes.

19 Q. All right. And what -- and for this report, what
20 equipment were you examining?

21 A. 3-inch -- a 3-inch line.

22 Q. Okay. I see on the report, it has Unit 17.
23 What does that signify?

24 A. I don't -- I don't know.

25 Q. Okay. Let's go to the second page.

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1 Q. And is this one of the documents that you
2 reviewed, prior to your deposition?

3 A. Yes.

4 Q. Okay. And incidentally, have we ever talked
5 before?

6 A. No, I don't know you.

7 Q. And did -- did I, or anyone other than your
8 lawyer, send you any questions that were going to be asked
9 of you today?

10 A. No.

11 Q. Okay. What is this document that we've marked as
12 Exhibit 1?

13 A. This is a computed radiography report.

14 Q. Okay. And who prepared this document?

15 A. I did.

16 Q. All right. And is this a document that you would
17 typically prepare as part of your work that you described
18 earlier?

19 A. Yes. This is a standard report.

20 Q. Okay. Are there any other documents that you
21 prepare as part of the work that you perform, besides this
22 report?

23 A. Meaning, like other reports?

24 Q. No.

25 A. Other types of reports.

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1 Can you tell us what we're looking at here on
2 the second page?

3 A. Yes.

4 Q. Could you tell us? Could you explain this to us?

5 A. Yes. This is our technique sheet. Here it
6 explains the technique that we used to inspect the
7 equipment, which is a 3-inch pipe. Here it states the type
8 of radioactive source we used. The procedure that we used
9 to inspect it, and the guidelines or the code that it was
10 inspected to. Everything within the test parameters is
11 what's listed here.

12 Q. Okay. And where do you get the test parameters
13 from? Like what determines what test parameters you're
14 going to use?

15 A. Well, the client, that we're working for, gives us
16 all the information base for the equipment that we're
17 testing. They also give us the acceptance criteria, that it
18 is -- they let us know what code it's going to be tested to.
19 And then it's our job, at that point, to look within the
20 code to see what the -- what the acceptance is for -- for
21 the particular equipment that we're testing.

22 Q. And what do you mean, when you say, "the
23 acceptance"? Can you explain that to me?

24 A. Yes. Within the code, there are parameters or --
25 what's the word I'm looking for? Sorry. I'm drawing a

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1 blank here. There is -- you have acceptance criteria
 2 where -- where, within the code --
 3 Q. This isn't meant to be a test, so we're just
 4 trying to understand the situation. It seems like you're
 5 having trouble finding the words, right?
 6 A. Correct.
 7 Q. Okay. So why don't we break it down a little bit?
 8 Try to make it a little easier.
 9 Can you show me, on this document, where it
 10 indicates the procedure that you would have been applying
 11 for -- for this test?
 12 A. Yes. Where it says RT procedures, the procedure
 13 that -- that we used to perform the test. Where it says
 14 specification, is the code, or where you access the grading
 15 criteria.
 16 Q. Okay. And -- and is it within the code --
 17 where -- where would you find the acceptance criteria or
 18 parameters?
 19 A. Yes, you would access the code called ASME 31.3,
 20 normal fluid service. And within that code, you -- you
 21 search -- you search within the code, and in the code tells
 22 you what the acceptance is. You have to read through the
 23 code.
 24 Q. Okay. Now, can you explain to me what you do to
 25 determine -- after you take an image, right? You -- did

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1 you, then, personally review it to see whether it falls
 2 within or without the acceptance criteria?
 3 A. Yes.
 4 Q. Is that something that you do with your eyes?
 5 A. Yes.
 6 Q. Okay. I note that your lights went out. Do
 7 you -- is there --
 8 A. They did.
 9 Q. Is that something you need to take care of? Let's
 10 take --
 11 A. Sorry. They're motion sensitive.
 12 Q. Got it. No problem. I thought we were just done
 13 with the depo, and time to go home. I guess not.
 14 All right. So -- so do you do that -- you do
 15 that with your eyes by looking at the images, and then is
 16 that how you do it to determine? Make that determination?
 17 A. Correct.
 18 Q. Okay. All right. So at the bottom, do you know
 19 whose signature that is on the document?
 20 A. I do.
 21 Q. Whose is it?
 22 A. It's mine's.
 23 Q. All right. Let's go to the next page.
 24 Can you give us an overview of what this
 25 page -- the significance of this page?

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1 A. This is the page where we list out the different
 2 equipment that we inspected. In this case, being welds.
 3 And this is where you would list all known relevant and
 4 irrelevant indications that -- that you see within each
 5 piece of equipment that you inspected.
 6 Q. Okay. So is this basically a summary of what's to
 7 follow?
 8 MS. ROHN: Objection to the form.
 9 Q. (Mr. Beckstedt) You can answer.
 10 A. Can you repeat the question?
 11 Q. So is this page kind of a summary of what you --
 12 what you examined and what your findings were?
 13 MS. ROHN: Objection to form.
 14 A. Yes.
 15 Q. (Mr. Beckstedt) Can you walk me through one of
 16 them? Let's just go through the first one, if you would.
 17 A. Yes. So the very first weld, 62. 462. Excuse
 18 me.
 19 Q. Okay.
 20 A. Which the welder stencil was JR2.
 21 Q. So what's a welder stencil signify?
 22 A. Welders have a -- like a number that's associated
 23 to them, so they can identify which welder welded what. So
 24 it's like an identification number for the welder.
 25 Q. Okay. Do you happen to know what the name of the

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1 welder is that uses the stencil JR2?
 2 A. No.
 3 Q. Okay. And where -- where are you getting that
 4 stencil information from?
 5 A. This information is provided by the client.
 6 Q. Okay. Is there anything in the field to verify
 7 it?
 8 A. Normally, it's written on the equipment.
 9 Q. Okay. And what about the weld number, where do
 10 you get that information?
 11 A. Two places: Normally it's written on the
 12 equipment, and we also use isometric drawings to verify.
 13 Q. Okay. And at what point in the process that you
 14 described for me earlier do you do the verification of
 15 the -- of the weld that you're examining to the isometric
 16 drawing?
 17 A. At the beginning of the job, normally.
 18 Q. Okay. So before you go out and do the x-ray,
 19 you -- you do that verification?
 20 A. Correct.
 21 Q. Okay. And then let's just walk across to the next
 22 column, weld description (Size & Thickness). Seems somewhat
 23 self-explanatory, but where do you get that information?
 24 A. This is also provided by the -- by the client with
 25 a -- with a request sheet and the drawing, so they put

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1 everything in a request-type format, and they have a drawing
2 to go along with it.

3 Q. Okay. And do you do anything in the field to
4 verify that description?

5 A. We -- we walk the equipment. We visually look at
6 it, and we -- we compare it with what's on the request, as
7 well as the drawing.

8 Q. Okay. Now, with respect to -- well, what's a
9 location marker?

10 A. Location markers are -- they could be anything.
11 They don't necessarily have to be numbers, but when you're
12 shooting radiography, you have to have a location marker,
13 just in case you find an indication that is -- that is --
14 that is relevant. So they have to be able to locate what
15 area between it's in, so they can go back and repair that
16 area. So your location markers are just to know where you
17 are on the -- on the weld or the piece of equipment that
18 you're examining.

19 Q. Okay. So can you explain, then, how those come
20 into existence in the field?

21 A. Yes. It's part of our job to make what we call a
22 number belt. And this is something that, I guess, it's --
23 it's taught within -- within the -- within the practice. So
24 we make number belts, based on different sizes of equipment
25 that -- that we inspect. So based on the size and

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1 understanding your testimony, to suggest that on the weld
2 number FW462, you took three images: One between Markers
3 1-2, one between Markers 2-3, and one between Markers 3-1?

4 A. Correct.

5 Q. Okay. And this, just to understand, because this
6 is a pipe weld, we're talking about actually a kind of
7 360-degree imaging around the circumference of the -- of the
8 pipe wall?

9 A. Yes, sir.

10 Q. Got it.

11 Okay. What's the next -- so with respect to
12 the welder stencil, welder number, and welder description,
13 is there anything that you would do on a report, if you were
14 unable to, say, verify any of that information?

15 A. Yes. We would get in touch with the -- with the
16 client at that point.

17 Q. Okay. So that would be before you even did the
18 examination, right?

19 A. Correct. We would notice some sort of
20 discrepancy, and we would have to sort that out.

21 Q. Got it.

22 So would it be fair to assume, then, that for
23 all of these welds that we're going to see in any of your
24 reports, if -- if they're reported here, that means they --
25 they passed the verification process?

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1 thickness, the numbers could go from 1 all the way to 25.
2 Just depends on how big the equipment is.

3 Q. Okay. Can you describe a number belt for me, so I
4 can visualize it?

5 A. A number belt, well, we take a piece of lead, and
6 we basically use a roll of tape. And we -- we measure
7 out -- there's a formula that you -- that you do, based on
8 the size of the equipment that you're -- that you're
9 inspecting, so that your belt size, your number belt size,
10 goes the exact circumference of the -- of the piece of
11 equipment that you're inspecting. And then based on that,
12 we divide it by the -- by the number of views that we think
13 it will take to go around the pipe.

14 Q. Okay. And will those location markers show up in
15 your radiography imaging?

16 A. Yes, it does.

17 Q. And will there be something left on the equipment
18 after you're done with your imaging, in case someone needs
19 to go back to the field to do something at that location to
20 find the marker?

21 A. Yes. We use what's called a paint marker or
22 something to -- to mark the equipment in the field with
23 these exact location markers that are on the report, 1, 2,
24 and 3.

25 Q. Okay. All right. So would I be correct, then, in

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1 A. I'm sorry. Can you -- can you repeat that?

2 Q. Okay. Once we see that you've actually examined a
3 weld, does -- is that an indication that the verification
4 passed? Was successful?

5 MS. ROHN: Object to the form.

6 Q. (Mr. Beckstedt) Do you understand my question?

7 MS. ROHN: Leading.

8 Q. (Mr. Beckstedt) No? You don't understand my
9 question, right?

10 A. No. Can you repeat that?

11 Q. Sure.

12 If I understand your testimony correctly,
13 there's -- you have to verify the weld number, and the
14 thickness, and the stencil before you actually do your
15 examination, right?

16 A. No, that's -- that's incorrect.

17 Q. Okay. What's incorrect about my understanding?

18 A. You saying that we have to. It's -- it's within
19 good practice. I just don't understand what -- what you're
20 trying to ask me. Are you trying -- are you trying to
21 state -- no, please, just re-ask the question, please.

22 Q. Sure.

23 If I understood you correctly, the customer
24 gives you some information about the welds, the weld number,
25 the description, the size, the thickness, and then you do --

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1 you have a process, before you take the examination, where
2 you go out in the field and you verify. Okay. we found
3 this weld number. This matches with the size and thickness.
4 And that's what I understood your testimony to be; is that
5 correct?

6 A. That's correct.

7 MS. ROHN: Object to form.

8 Q. (Mr. Beckstedt) So my -- and you told me that if
9 it doesn't check out, if it doesn't verify, then you have to
10 go back to the customer, right?

11 A. Correct.

12 Q. Okay. So what I'm asking is, when we see that
13 you've actually gotten through that process and then you've
14 done an examination and it's on your report, that's an
15 indication that the verification was successful? You didn't
16 have any problems? You got through that verification
17 process; is that correct?

18 MS. ROHN: Objection to form.

19 A. I can't answer that question. There's all types
20 of scenarios that happen, so I can't -- I can't say. I
21 can't say that.

22 Q. (Mr. Beckstedt) All right. Well, do you know if,
23 on this particular test -- well, if it doesn't verify, do
24 you write -- do you make any notation on your report to
25 indicate that, well, we had a problem with the verification?

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1 separated, or an X next to it if it was rejected.

2 Q. Okay. So for weld Number FW462, how many views
3 did you do?

4 A. Three views.

5 Q. Okay. And so the first view that was between
6 Marker Locations 1 and 2, that was rejected?

7 A. Can you repeat that? I'm sorry. There was a
8 noise on my end.

9 Q. All right. So if I'm reading your report
10 correctly, the first image that you took of weld Number
11 FW462 was between 1 and 2, right?

12 A. Correct.

13 Q. And that was rejected, correct?

14 A. Correct.

15 Q. Okay. So what are the columns to the right of the
16 accept/reject portion of the report?

17 A. Listed to the right are known indications that you
18 can find within a -- within a weld.

19 Q. Okay. And what are the various symbols that you
20 place in those boxes --

21 A. Only a check.

22 Q. -- and what is --

23 A. Only a check or an X.

24 Q. Okay. And what does a check signify?

25 A. The check signifies that the indication was within

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1 A. If there's a problem with -- with verifying
2 anything, we contact the client, as well as if the client
3 has an issue where they notice that something is an issue,
4 then they notify us. They can make contact with us.

5 Q. Okay. So do you know whether or not the weld
6 Number FW462 passed the verification process?

7 A. Well, Number Field weld 62 passed the weld
8 process, if it's on the verification process. If it's on my
9 report, sir.

10 Q. Okay. That's what I was getting at.

11 So that would be true, then, for all of the
12 welds that you examined on all of your reports, correct?

13 A. Yes, sir.

14 Q. Okay. Great.

15 Next column, Plate per Cassette. Can you
16 explain what that means?

17 A. Yes. That is the image plate that goes inside a
18 cassette. A cassette is what holds the image plate. And
19 the Number 1 signifies how many plates are in the cassette.

20 Q. Okay. And then there's a middle column,
21 Accept/Reject.

22 Can you explain what that's signifying?

23 A. They accept and reject portions of the report.
24 It's broken down by the number of views that we inspected on
25 the equipment. Each view has a check next to it if it was

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1 the parameters of codes allowable tolerance.

2 Q. And what does the X mean?

3 A. The X means that the indication was outside of the
4 code's tolerance, which means it's not allowed in -- in the
5 code.

6 Q. Okay. And what does a blank mean?

7 A. That there were no known indications in that
8 particular view.

9 Q. Got it.

10 All right. So can you tell us what is a
11 concave root?

12 MS. ROHN: Oh, Jesus.

13 A. A concave root is a type of indication that you
14 may see in a radiograph.

15 Q. (Mr. Beckstedt) All right. What is a -- what is
16 the window column?

17 A. The window column has to do with the settings on
18 your CR software. Computer radiography software.

19 Q. Okay. And what about the level? Is that another
20 setting?

21 A. Yes.

22 Q. Okay. And what is the significance of the
23 filters/comments column?

24 A. This is where we list what is called a flash
25 filter. We -- computer radiography, you have to use a flash

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1 filter to -- to view the image. And then behind that is the
2 tolerance part of the code for each indication that's
3 listed.

4 Q. Okay. And what -- what is the significance when
5 you just put the word "flash" without any indication after
6 it?

7 A. The word "flash" just indicates that the image or
8 the view was flashed with the computer software.

9 Q. Okay. And what is a -- are you able to describe
10 what it is that you see when you see a non-fusion?

11 A. Non-fusion indication would look like a void.
12 sharp void. Sharp line void of missing material.

13 Q. Got it.

14 And what would a lack of penetration be
15 showing? Be showing you?

16 A. Lack of penetration means that the welder didn't
17 break down enough of the pipe bevel wall when he was
18 welding.

19 Q. All right. So let's turn to the third page of
20 your report.

21 Can you just explain what we're looking at
22 here?

23 A. Here we're looking at all three views that were --
24 that were shoot on this particular weld.

25 we have our location markers, which you see

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1 them. They're lead, because they stand out the most when
2 you're shooting radiography on the -- on the equipment, as
3 well as you see our -- our IQI, which is our sensitivity,
4 and -- which shows how sensitive our radiographic image can
5 be. And then you see the weld, as well as indications in
6 the weld.

7 Q. Okay. So as I -- as you indicated in -- with
8 respect to the earlier page, I take it we're looking at the
9 first weld, Fw462, right?

10 MS. ROHN: Object to the form.

11 A. Yes, it looks like that says Fw462.

12 Q. (Mr. Beckstedt) All right. we just highlighted
13 it.

14 Does that -- does that help you determine
15 which weld this is?

16 A. Yes.

17 MS. ROHN: Objection. Asked and answered.

18 MR. BECKSTEDT: well, you objected to my
19 form. I'm rephrasing the question, so we don't have to like
20 fight over these foundational questions.

21 Q. (Mr. Beckstedt) which weld are we looking at on
22 this page of the exhibit?

23 A. Fw462.

24 Q. Okay. Now, are you able to point out and -- and
25 just show for us what image was outside the tolerances, and

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1 did it pass the -- the test?

2 A. If you go to the last page of this report, we --
3 we snipped the image of the failed view, and we also have
4 arrows pointing to the indication.

5 Q. Okay. Great. Let's go to it.

6 All right. Can you walk us through what
7 we're seeing on the last page?

8 A. Yes. we're -- we're seeing a image -- the images
9 of each view that failed in the group of welds that we
10 inspected. I believe the first view is Field weld 462.

11 Q. Okay.

12 A. And you will see it failed for non-fusion, and
13 then there's an arrow pointed directly to where the
14 non-fusion occurs.

15 Q. Okay. And what's the significance of the remark
16 about -- above where you -- well, who -- who puts the words
17 "non-fusion" with the arrow on this image?

18 A. Myself. The person that prepared the report.

19 Q. Okay. Did you add any other words -- well, above
20 that, I see it says, "0.207 inches." Can you explain what
21 that signifies?

22 A. Yes. That's the size of the indication measured.

23 Q. Okay. And what's the significance of the line
24 with the two arrow heads immediately to the left of the size
25 designation?

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1 A. That shows the actual measurement.

2 Q. Okay. So if you're a welder, and -- and you're
3 given this report, and you have to go back out and redo the
4 weld -- oh, strike that.

5 Okay. So would that be the same, then, for
6 all of these welds that were outside of the acceptable
7 tolerances that you indicate the area and the size of the
8 failure?

9 A. Correct. Yes, sir. We --

10 Q. Do you -- um-hum.

11 A. we put in here in the report form. So the client
12 reviews that, as well as we -- we go out to the field and
13 we -- we mark the actual equipment up where we -- where we
14 found the indication.

15 Q. All right. So this Exhibit Number 1 that we've
16 looked at, is this a true and correct copy of the report
17 that you completed on August 2nd, 2000 -- or regarding your
18 examination date on August 2nd, 2021?

19 A. Yes. This -- this looks like my report, yes.

20 Q. Okay. And at the bottom of Page 3 of this
21 exhibit, whose signature is that?

22 A. That's my signature.

23 Q. Okay. All right. Let's go to the next report,
24 which is -- we'll mark that as Exhibit -- this is Exhibit 1,
25 I believe. So this will be Exhibit 2. It's dated

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1 August 3rd, 2021.

2 (Deposition Exhibit No. 2 was
3 marked for identification.)

4 Do you see that?

5 A. Yes. I'm able to see it.

6 Q. I just ask that we scroll through each page, so
7 you can see each page.

8 MS. FRANCIS: Carl, is that IP05 6563 to
9 6576?

10 MR. BECKSTEDT: Yes. Looks so.

11 I apologize, but whoever printed out my hard
12 copies, it didn't print the -- the Bates numbers, but
13 they're showing up on the exhibit on the screen.

14 MS. ROHN: Carl? Carl, I'm willing to
15 stipulate that these are true and correct copies of all
16 these depositions. I mean, all of these reports.

17 MR. BECKSTEDT: All right. That sounds good.

18 So why don't we put in, as Exhibit 3, the
19 August 5th report; Exhibit 4, the August 13th report?

20 MS. ROHN: Two August 13th.

21 MR. BECKSTEDT: And Exhibit 5 is the second
22 August 15th.

23 MS. ROHN: The one with 21 pages? The one
24 with Pages 1 through 21?

25 MR. BECKSTEDT: Yes. Correct.

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1 So when you are -- I guess we have a
2 stipulation on the record that all of these exhibits are
3 authentic copies of the reports.

4 Lee, I have another Versa report that is PIS
5 239 through 247.

6 MS. ROHN: I don't have that one.

7 MR. BECKSTEDT: It was sent around with the
8 exhibits. It's up on the screen right now.

9 MS. ROHN: What's it -- what's the Bates
10 number?

11 MR. BECKSTEDT: PIS 239 through 247.

12 MS. ROHN: I don't have that one.

13 MR. BECKSTEDT: well, I circulated it, and it
14 is --

15 MS. ROHN: Circulated at the same time you
16 circulated the other ones, or at a different time?

17 MR. BECKSTEDT: Same time. It was all in a
18 Dropbox, and I -- and I sent it to everybody, so if the
19 videographer has it, it must have been then.

20 MS. ROHN: Okay. No problem. Is it the same
21 type of report?

22 MR. BECKSTEDT: Looks so to me.

23 MS. ROHN: I'll stipulate to it.

24 MR. BECKSTEDT: But it's not signed by
25 Mr. Semien. Looks like a different technician.

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1 MS. ROHN: I don't care.

2 MR. BECKSTEDT: All right.

3 (Deposition Exhibit No. 3 was
4 marked for identification.)

5 (Deposition Exhibit No. 4 was
6 marked for identification.)

7 (Deposition Exhibit No. 5 was
8 marked for identification.)

9 (Deposition Exhibit No. 6 was
10 marked for identification.)

11 Q. (Mr. Beckstedt) Mr. Semien, are you familiar, in
12 the industry, with respect to inspecting welds, whether or
13 not there's like a pass or fail rate of how many welds
14 can -- can be within or without acceptable tolerances?

15 A. No, I don't know.

16 Q. Okay. Are you aware, from any of the, I guess,
17 the code provisions that you use when you're -- or apply
18 when you're inspecting welds, whether or not any particular
19 number of welds that are rejected act as a threshold that
20 requires you to do further examination?

21 A. I'm not -- I'm not familiar with -- with that.
22 we're asked to perform an inspection, and we provide the
23 results.

24 Q. Got it.

25 So the client tells you, Hey, inspect these

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1 welds. Compare them to these code provisions, and tell us
2 whether they pass or fail, and that's what you do?

3 MS. ROHN: Object to form.

4 A. Correct.

5 Q. (Mr. Beckstedt) Is that a fair summary or
6 characterization, in that sense of what you're asked to do
7 and do?

8 A. Correct. Yes.

9 Q. Okay. Give me one second.

10 Lee, can I just take a short break to check
11 something?

12 MS. ROHN: Sure.

13 THE VIDEOGRAPHER: Going off the record. The
14 time is 3:36.

15 (Short recess taken.)

16 THE VIDEOGRAPHER: We're back on the record.
17 The time is 3:54.

18 Q. (Mr. Beckstedt) All right. So when we were off
19 the record, there were two additional reports that have been
20 marked as Exhibit 7 and 8.

21 Exhibit 7 starts at Bates Number 288 and goes
22 to Bates Number 295; and Exhibit 8 starts at Bates Number
23 PIS 296 and goes to PIS 302. And these are both Versa
24 Integrity Group computed radiology reports for the 3-inch
25 vent line dated June 2nd, 2021, and June 3rd, 2021,

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1 respectively.

2 (Deposition Exhibit No. 7 was
3 marked for identification.)

4 (Deposition Exhibit No. 8 was
5 marked for identification.)

6 Mr. Semien, just a couple of brief questions.

7 What is a -- do you perform ultrasonic
8 thickness reports?

9 A. I do not.

10 Q. Okay. Do you perform phased array imaging?

11 A. I do not.

12 Q. Okay. And then I'm going to show you a picture,
13 which we're going to mark as Exhibit 9, and it's Bates
14 Number PIS 361.

15 (Deposition Exhibit No. 9 was
16 marked for identification.)

17 And I appreciate the fact that this is part
18 of a phased array examination report, but I just want to --
19 you to look at the picture, and I have a couple of questions
20 when that's up on the screen. Looks like it is.

21 A. I can see it.

22 Q. Okay. I see some -- there's writing on -- on the
23 welding.

24 Is -- are you familiar with just that type of
25 process of writing on a weld? Near welds?

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1 record. I didn't hear that on the record. Just want to
2 make sure.

3 MR. BECKSTEDT: Yeah. I thought that when we
4 first went on the record, I said Exhibit 7 is 288 and
5 Exhibit 8 is --

6 MS. ROHN: Yeah, you did.

7 MR. BECKSTEDT: And we've stipulated to
8 the -- to the authenticity, so, right, Lee?

9 MS. ROHN: Correct.

10 MR. BECKSTEDT: Okay.

11 MR. SIMPSON: I have no questions.

12 MS. ROHN: Simone, do you have any questions?

13 MS. FRANCIS: You can go ahead. I'm just
14 trying to get my documents together, so to save time, you
15 can go ahead.

16 CROSS-EXAMINATION

17 BY MS. ROHN:

18 Q. Good afternoon. I'm going to be as quick as I
19 possibly can.

20 Do you -- do you do work for Petro?

21 A. Do I do work for Petro?

22 Q. For Petro, yes?

23 A. No.

24 Q. Okay. When was the last time you did work for
25 Petro?

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1 A. Yes.

2 Q. Okay. Do you do that in your work at all?

3 A. Yes.

4 Q. Okay. And what are the -- what are the things
5 that -- when you go out to do an exam, like you've explained
6 to us in your reports earlier, what are the types of things
7 that you would write on the piping, in this case, that you
8 might be examining?

9 A. We write where our location markers were set up on
10 the pipe, as well as, like I said, if there's a rejection,
11 we go back and we mark up the rejection on the weld itself.

12 Q. Got it.

13 So in those images where you put the marks
14 onto the imaging where you pointed to a rejection, like that
15 you described earlier, you're also going to go and
16 physically mark that area on the weld itself; is that what
17 I'm hearing you say correctly?

18 A. Yes.

19 MR. BECKSTEDT: Okay. All right. I have no
20 further questions. I pass the witness.

21 MS. ROHN: Anybody else have any questions?

22 MR. SIMPSON: Carl, did you attach Exhibit 7
23 and 8?

24 MR. BECKSTEDT: Attach?

25 MR. SIMPSON: Or make them a part of the

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1 A. 2021.

2 Q. Okay. And were you paid to come to your
3 deposition today?

4 A. Yes.

5 Q. Who paid you?

6 A. I don't know.

7 Q. How much did you get paid?

8 A. There was \$40 with the subpoena.

9 Q. Did you get any other funds besides the \$40?

10 A. No.

11 Q. You weren't paid \$250 to come to the deposition
12 today?

13 A. No. I don't know anything about that.

14 Q. So, generally speaking, when you're called out to
15 a job to test welds, is there a particular percentage of
16 welds that you test?

17 A. Can you repeat that question?

18 Q. Sure.

19 Generally, when you're called out to test
20 welds, are there a normal percentage of welds that you test?

21 A. No. They -- we're provided with a request of
22 welds. Pretty much a list of things to inspect. And we go
23 out and inspect those things.

24 Q. So have you ever been requested to inspect
25 10 percent of the welds?

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1 A. No. I don't -- I don't know anything about that.

2 Q. Now, do you test a different number of welds,

3 depending upon whether it's like a vent line that -- looks

4 like you're frozen.

5 A. Sorry about that.

6 Q. No worries.

7 Is there a different number of welds that you

8 test when it's like a vent line that goes to the atmosphere,

9 as opposed to something like a propane line that carries

10 fuel?

11 A. I don't know anything about that. We're provided

12 with a request of things to inspect, and that's what we go

13 and inspect.

14 Q. Okay. So are you the one who says whether or not

15 the weld is acceptable or unacceptable?

16 A. Yes.

17 Q. Okay. So do you know a person by the name of Mark

18 Scott?

19 A. Yes.

20 Q. And what position was he, compared to you, on the

21 jobs you did on St. Croix?

22 A. Supervisor.

23 Q. Okay. So wasn't he the person who ultimately

24 decided acceptable or unacceptable?

25 A. Meaning, did he give his approval on -- the

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1 technician provides if the weld is acceptable or rejected.

2 Q. Okay. And is there a -- a standard for how you

3 decide if a weld is acceptable or unacceptable?

4 A. Yes. It's called the code that we -- for the

5 particular equipment that we're inspecting that determines

6 if a weld is acceptable or rejectable.

7 Q. Is it true that -- that this isn't a

8 black-and-white issue? Some welds, one person would find a

9 radiograph to be acceptable, and another person on

10 radiograph would not find them to be acceptable?

11 MR. SIMPSON: Objection.

12 Q. (Ms. Rohn) You may answer.

13 MR. BECKSTEDT: Same objection.

14 MS. ROHN: Don't have to object more than

15 once.

16 A. I'm sorry. Can you say that again?

17 Q. (Ms. Rohn) Yeah. Is -- isn't it a fact that in

18 your line of work, that there's a variation of what people

19 find acceptable or unacceptable? One person could look at

20 it and find it acceptable, and another technician could look

21 at it, find it unacceptable?

22 A. Yes. It is called interpretation.

23 Q. Okay. Now, have you had any conversations with

24 anyone besides your -- Versa's attorney about your testimony

25 today?

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1 A. NO.

2 Q. When you went out there the first -- you said you

3 went to St. Croix two times?

4 A. Um-hum.

5 Q. Once in January of 2019 through August of 2021.

6 Do I have those dates correctly?

7 A. Yes.

8 Q. And what did you do on those dates? What work

9 were you doing?

10 A. I -- was performing work at the -- at the refinery

11 in St. Croix, Limetree Bay.

12 Q. And did you do any work for Petro at the refinery?

13 A. No.

14 Q. Okay. Who were you working for when you were

15 working at Limetree Bay Refinery?

16 A. I was working for Versa.

17 Q. Okay. Who was -- who hired Versa?

18 A. Limetree Bay.

19 Q. Okay. Not Petro?

20 A. No, not Petro.

21 Q. Okay. All right. And then any time during that

22 period from January -- January 2019 to August 2021, did

23 Versa do any work for Petro?

24 A. Yes.

25 Q. Okay. And at what period of time did Versa do

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1 work for Petro?

2 A. In August of 2021, and I also believe April.

3 Q. Of 2021?

4 A. Yes.

5 Q. And what work did you do in April of 2021 for

6 them?

7 Well, first of all, were you on those crews?

8 A. Yes.

9 Q. Okay. And did you do the same work you've been

10 describing today on those crews?

11 A. Yes.

12 Q. Okay. So what -- so what types of work were you

13 doing for Petro in April -- for Versa in April of 2021?

14 A. Just radiography inspection.

15 Q. And do you remember the percentage of welds you

16 were asked to test?

17 A. I do not.

18 Q. Okay. And do you remember what type of a test --

19 what kind of a line or -- the welds were in?

20 A. I do not.

21 Q. Okay. And did -- in doing those testings, did you

22 find that the work that was being done on the welds

23 acceptable?

24 A. Without looking at the report, I -- I can't

25 remember off the top of my head.

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1 Q. Okay. Did you ever determine that in April of
2 2021, that the level of welding that you were looking at was
3 unprofessional?

4 A. No.

5 MS. FRANCIS: Objection.

6 Q. (Ms. Rohn) Did you -- did you come to a conclusion
7 as to generally the level of welding on the welds you were
8 looking at?

9 A. I'm sorry. Can you repeat that?

10 Q. Did you come to a conclusion, generally, the
11 quality of the welds that you were looking at overall?

12 MS. FRANCIS: Objection.

13 MR. MARINELLI: Objection. Lee, if you could
14 be more specific in what, exactly, the reports you're
15 talking about, or the inspections.

16 MS. ROHN: I am not -- please stop making a
17 speaking objection.

18 Q. (Ms. Rohn) Generally, as the welds you looked at,
19 did you form an opinion as to whether or not the welds --
20 how the welding was, generally, on that job?

21 MS. FRANCIS: Objection.

22 Q. (Ms. Rohn) You may answer.

23 A. Do I have to answer that?

24 Q. Yes.

25 A. No.

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1 A. Um-hum.

2 Q. Had you ever done that before?

3 A. No.

4 Q. Did you know why they wanted you to test a hundred
5 percent of the welds?

6 A. No.

7 Q. Nobody ever told you why?

8 A. No.

9 Q. Have you ever done that since?

10 A. No.

11 Q. If -- if you find a bad, what you called an
12 unacceptable interpretation of a weld, do you recommend what
13 to do to correct it?

14 A. We just reject the weld. I mean, we provide the
15 results. At that point, it's up to the client to provide
16 the recommendations on how they're going to fix whatever
17 needs to be fixed.

18 Q. Have you ever known a client to cut out the entire
19 weld and redo it?

20 A. Yes. That's a common practice.

21 Q. Do you know Guillermo Castro?

22 A. Not particularly.

23 Q. Didn't work with him out at Limetree?

24 A. I -- I don't know. I don't know who -- who that
25 is.

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1 Q. Okay. And then you -- what is the second time --
2 then you said you came also in August of 2021 for Petro.
3 You also did welding testing in August of 2021; is that
4 correct?

5 A. Yes.

6 Q. And do you recall what kind of a line you were
7 doing the weld testing -- weld -- the testing -- the testing
8 of welds on?

9 A. No. I -- I don't particularly remember.

10 Q. Okay.

11 A. Any line. Type of lines.

12 Q. Do you recall on that particular time, the
13 percentage of welds you were testing?

14 A. No, ma'am.

15 Q. And then you did work for IPOS; is that correct?
16 Well, you did work for Versa that was at the IPOS propane
17 terminal, correct?

18 A. Yes.

19 Q. And IPOS had hired Versa, correct?

20 A. This is correct, yes.

21 Q. Okay. And do you recall doing a hundred-percent
22 test on every weld at that time?

23 A. Yes. We were -- we were called back to inspect a
24 hundred percent of -- of lines.

25 Q. Of welds, you mean?

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1 Q. How -- how do you know which welds to test?

2 A. It's provided to us by the client in a request
3 format.

4 Q. Do you ever do any WPQ testing?

5 A. I don't know what that is, WPQ.

6 Q. Yeah. Where you test welders?

7 A. Oh, we don't test welders.

8 Q. Do you, yourself, do welding?

9 A. I do not.

10 MS. ROHN: Hold on one second. I'm going to
11 ask my boss if I have any other questions.

(Respite.)

13 Thank you, sir, for your time.

14 MS. FRANCIS: Okay. I do have some
15 questions.

CROSS-EXAMINATION

17 BY MS. FRANCIS:

18 Q. Good afternoon, Mr. Semien. I have some follow-up
19 questions.

Do you know Adrian Melendez?

21 A. Yes.

22 Q. And did you speak to Mr. McCullough, prior to your
23 deposition today?

24 A. No.

25 Q. Have you -- do you know Chad Persaud?

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1 A. No. I know Chad, only because for work when we
2 worked for Petro. That's it.
3 Q. I'm sorry. Did you say you worked for Petro?
4 A. When we did our work for Petro.
5 Q. I see.
6 Okay. You know Mr. Persaud in that -- in
7 that capacity as a --
8 A. Correct.
9 Q. -- employee of Petro? Okay.
10 And have you had any conversations with
11 Mr. Persaud about the work that Petro did on the 3-inch vent
12 line?
13 A. No, I have not.
14 Q. Have you spoken to Attorney Rohn, or anyone from
15 her office, prior to your deposition today?
16 A. No.
17 Q. With respect to the testing that you did for Petro
18 Industrial, I just want to make sure I understand.
19 Did they select which welds to test, and that
20 was -- that was provided to you, and then you did the
21 testing?
22 A. Correct.
23 Q. So the -- so the determination of which welds to
24 test was not random or determined by you, it's determined by
25 the client; is that correct?

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1 (Respite.)
2 And is interpretation of images part of the
3 testing that you do to become certified?
4 A. Yes.
5 Q. Or recertified?
6 A. Yes.
7 Q. Is Exhibit 10 the last one that was marked, or was
8 it 9?
9 MS. ROHN: Nine.
10 THE VIDEOGRAPHER: Nine.
11 Q. (Ms. Francis) I'm going to show you a report that
12 begins with the Bates Number IPOS 207, which has an
13 examination date of August 6th, 2021, and direct your
14 attention to IPOS 208.
15 (Deposition Exhibit No. 10 was
16 marked for identification.)
17 Is that your signature, as the technician who
18 performed that testing?
19 A. Yes, it is.
20 Q. And does your signature also appear on the page
21 that's now on the screen, which is IPOS 209?
22 A. Yes.
23 Q. The Page IPOS 209 reflects different -- would I be
24 correct in understanding this -- this reflects different
25 portions of the 3-inch vent line in Unit 20 that you

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1 A. It's not determined by us, no.
2 Q. And with respect to work you did for Petro, the
3 percentage of welds that you were testing was determined or
4 communicated to you by Petro as the client; is that correct?
5 A. Yes.
6 Q. The certification that you hold, can you just let
7 me know how long you have held that particular
8 certification? I think it says Level II on the reports that
9 you provided.
10 A. Yes, ma'am.
11 Q. Okay. And how long have you held a Level II
12 certification?
13 A. 2019, to the present.
14 Q. Okay. And is that subject to any sort of an
15 annual or other periodic review process or testing process?
16 A. Yes, it is. We -- we retest every three years.
17 Q. So you've been retested or recertified on one
18 occasion?
19 A. Yes.
20 Q. And prior to achieving a Level II certification,
21 is there a Level I certification?
22 A. Not in CR. You have to become a -- a traditional
23 radiography Level II before you can obtain a CR Level II.
24 Q. Okay. Just give me one minute to look at my
25 notes.

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1 inspected on -- on the date of this report?
2 A. Yes.
3 Q. Okay. And then in some cases, you accepted the
4 work, and there's -- there's an X to show an area of the
5 welding where you rejected; is that correct?
6 A. That's correct.
7 Q. And the pages that follow, 209, would these be
8 photographs that you take at the time, or images that you
9 capture at the time, you're doing the testing?
10 A. Yes, these are the -- the images from the test.
11 Q. The page designated as IPOS 216 has some markings.
12 Are these markings that you affixed to the
13 image as part of the work that you did, sir?
14 A. Yes.
15 Q. And could you explain just briefly what these --
16 what the verbiage signifies?
17 A. Yes. In red, the .092 inches is the size of the
18 indication. There's an arrow pointed to the indication,
19 stating it's a tungsten inclusion. And the -- the yellow
20 line is the length from the location marker to where you'll
21 find the indication in this view.
22 Q. And is that marked -- is this area that you
23 rejected, is that why you had words on this image and not
24 the others?
25 A. Correct.

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JOHNAS PHILLIP SEMIEN -- CROSS

1 Q. I'm going to show you what we'll mark as
2 Exhibit 11. That bears the Bates Numbers IPOS 16 to 29, and
3 it's a report from August 2nd, 2021. Just give me a moment
4 to display it.

5 (Deposition Exhibit No. 11 was
6 marked for identification.)

7 Are you able to see that, Mr. Seaman?

8 A. Semien. Yes. Yes, I am able to see.

9 Q. I -- I apologize.

10 A. No problem.

11 Q. The page Bates Numbered IPOS 19, does that reflect
12 your signature?

13 A. Yes.

14 Q. And this is a computed radio -- radiography report
15 that you prepared, correct?

16 A. Yes.

17 Q. And does the Page IPOS 20 also bear your
18 signature?

19 A. Yes.

20 Q. On the page designated IPOS 20, there are some
21 entries for 3-inch vent line Unit 17; is that correct?

22 A. Yes.

23 Q. Okay. And this was part of the facility or area
24 that you tested on behalf of IPOS, correct?

25 A. Correct.

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JOHNAS PHILLIP SEMIEN -- CROSS

1 A. Yes.

2 Q. And as I understood your testimony, it is not part
3 of your role, sir, is it, to determine whether a client --
4 to determine how many or the -- the amount of testing that a
5 client should -- should request? That is something that the
6 client determines, and you do what is instructed, correct?

7 A. Correct.

8 MS. FRANCIS: I have no further questions.
9 Thank you.

10 THE VIDEOGRAPHER: Does anybody else have any
11 questions?

12 MR. BECKSTEDT: No questions.

13 THE VIDEOGRAPHER: Okay. We're now going to
14 go off the video record.

15 This concludes the videotaped deposition.
16 The time is 4:24 p.m.

17
18
19
20
21 (Whereupon the deposition concluded
22 at 4:24 p.m.)
23
24
25

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JOHNAS PHILLIP SEMIEN -- CROSS

1 Q. And do the Xs on this page also indicate areas in
2 the welding that you rejected?

3 A. Yes.

4 Q. The page designated IPOS 29 that now appears on
5 the screen, would the words that appear on this page, that
6 appear to be superimposed on the image, is that information
7 that you appended to the report as part of the work you were
8 doing for IPOS?

9 A. Yes.

10 Q. And do these markings also indicate areas where
11 the welding was rejected?

12 A. Yes, it does.

13 Q. Can you explain what non-fusion means?

14 A. Non-fusion is a lack of -- of fusion between
15 the -- between the material that's welded to the -- to the
16 pipe. The void in -- in material.

17 Q. And is that condition one of the conditions that
18 would cause you to reject a report? A weld?

19 A. It is.

20 Q. Can you explain the significance of lack of
21 penetration?

22 A. Yes. Lack of penetration would be a lack of the
23 breakdown of the bevel wall during the welding process.

24 Q. And is that a condition that would cause you to
25 reject a weld?

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C-E-R-T-I-F-I-C-A-T-E

I, SUSAN C. NISSMAN, a Registered Merit Reporter
and Notary Public for the U.S. Virgin Islands,
Christiansted, St. Croix, do hereby certify that the above
named witness, JOHNAS PHILLIP SEMIEN, was first duly sworn
to testify the truth; that said witness did thereupon
testify as is set forth; that the answers of said witness to
the oral interrogatories propounded by counsel were taken by
me in stenotype and thereafter reduced to typewriting under
my personal direction and supervision.

I further certify that the facts stated in the caption
hereto are true; and that all of the proceedings in the
course of the hearing of said deposition are correctly and
accurately set forth herein.

I further certify that I am not counsel, attorney or
relative of either party, nor financially or otherwise
interested in the event of this suit.

IN WITNESS WHEREOF, I have hereunto set my hand as such
Registered Merit Reporter on this the 1st day of August,
2023, at Christiansted, St. Croix, United States Virgin
Islands.

/s/ Susan C. Nissman

My Commission Expires:
June 28, 2027

Susan C. Nissman, RPR-RMR
NP-644-23